



Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 403-6911 • fax (217) 403-6924 • www.ci.champaign.il.us

[REDACTED]

January 4, 2013

Champaign, Illinois 61821

Dear [REDACTED],

A thorough investigation into your complaint alleging employee misconduct has been completed. Your complaint was investigated by a Patrol supervisor and then reviewed by a District Commander, a Deputy Chief, and me. The investigation resulted in the following conclusion:

In your complaint you alleged that an officer made inappropriate comments to your son. Our investigation revealed that while the officer spoke very firmly and directly to your son he did not use any harsh, rude, or overbearing language in doing so. Therefore, the allegations you made in your complaint cannot be sustained.

You may request that the City Manager review my decision. This request must be made within 30 days. If you have questions, please call me at 217-403-6911.

I appreciate your concern in bringing this matter to my attention.

Respectfully,

Anthony Cobb
Chief of Police
Champaign Police Department

12-16



City of CHAMPAIGN

Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 351-4545 • fax (217) 403-6904 • www.ci.champaign.il.us

To: Chief Cobb, DC Gallo, Lt. Swenson, Lt. Paulus
From: Sergeant Nathan Rath (Y)
Date: November 25, 2012
Subject: Citizen's Complaint #12-16 / [REDACTED]

SYNOPSIS:

On October 28, 2012, Officers Rush, McAllister, and Rogers responded to [REDACTED] in Champaign for a juvenile problem. The dispatch ticket specifically states:

- 17 YO son who has behavioral issues is tearing up the house.
- Not violent with people just unhappy that the mother took a cable from the computer.
- RP is unable to calm him down and hoping PD can give him...the talk.
- Son is [REDACTED] 17YO bi-racial male 604,230, LSW/BLK polo, jeans. Now walking toward RP and she believes that he is going to unplug the TX. Does not believe he will become violent with her. No weapons.
- Son is back in his bedroom, RP is in the living room.
- DISPO: No report, parenting advice given.

Following the call, the mother, [REDACTED], filed a complaint via the City's website. In this complaint, [REDACTED] alleged that Officer Rush used inappropriate language and threats when he told her son to "clean this shit up" and "if I have to come back here, I'm going to beat your ass and haul you off to jail."

A copy of [REDACTED] initial complaint is attached to this memorandum.

I called [REDACTED] on Friday, November 16, 2012, and set up an appointment with her and her son, [REDACTED], on Saturday, November 17, 2012, at 2:00 p.m.

COMMUNICATION WITH COMPLAINANT AND OFFICERS:

Officer Rush has been on extended sick leave because of an injury he sustained recently off duty. I had occasion to meet with Officer Rush on Friday, November 16, 2012, in the afternoon to discuss his recovery. During that meeting, Officer Rush told me he wished to discuss this complaint. I had intended on speaking with Officer Rush after I had spoken with [REDACTED] and [REDACTED], but I took this opportunity to speak with Officer Rush.

Interview with Officer Rush:

- Officer Rush remembers being dispatched to this call for a 17 YO male with behavioral issues destroying items in the house because of an argument he was having with his mother.
- Officer Rush and Officer McAllister were the first two officers to arrive.
- Upon entering the home, Officer Rush observed items that had been thrown and broken.
- Officer Rush said [REDACTED] was upset and appeared to have been crying.
- Officer Rush asked to speak with [REDACTED]
- Officer Rush told [REDACTED] that he needed to pick up the broken items.
- Officer Rush did not recall if he said "shit" or not.

- Officer Rush then instructed [REDACTED] to apologize to his mother.
- [REDACTED] went and apologized to his mother.
- As these activities were happening Officer Rogers arrived but soon left as the situation was under control.
- Officer Rush asked [REDACTED] to again speak with him.
- Officer Rush told [REDACTED] that his actions that night were unacceptable, that he was not to treat his mother this way, and that if he couldn't control himself and stop breaking things and the police had to return, "it will be your ass."
- Officer Rush said his intention was to take a firm stance with [REDACTED]; Officer Rush wanted to be an authoritative male figure for [REDACTED] who lacked that in his life.
- Officer Rush said his goal was to be forceful with [REDACTED] because of his behavioral issues and size so that [REDACTED] was less likely to act out again and put [REDACTED] in this situation again.
- Officer Rush said he did not use the word "ass" to be condescending, offensive, or threatening; Officer Rush said [REDACTED] was at an age that he thought "ass" would not be considered offensive as it is commonly heard in movies and on TV and the radio.
- Officer Rush recalled that the initial request from [REDACTED] was that she wanted police to come have "the talk" with her son; because her typical parenting efforts had failed, Officer Rush believed that [REDACTED] desired a firm, intimidating effort to persuade her son to stop.
- Officer Rush did not know if Officer McAllister heard any of his conversation with [REDACTED].
- Officer Rush said he believed his conduct, language, and attitude were appropriate and precisely what [REDACTED] originally requested of officers.

On November 17, 2012, I met with [REDACTED] and [REDACTED] at their residence.

Interview with [REDACTED]

- [REDACTED] said he has been having a lot of anger issues lately, and that night he did not like the time constraints that his mother had been putting on him.
- [REDACTED] drove home from a friend's house, unhappy that his mother was making him come home.
- When he arrived home, he realized that his mother had taken a computer component; he asked for it back but she said no.
- [REDACTED] said he got mad and started going through his mother's belongings in her room looking for the component.
- At this point [REDACTED] interjected that she and [REDACTED] differed slightly on what led up to his outburst and behavior; she thought he was capable of harming himself or her.
- [REDACTED] said he had been going to the Pavilion part-time for depression issues.
- The night of this incident, he threw a red basket that had been on a table in the living room; this basket contained a ceramic light switch cover and ceramic spoons.
- The light cover and a spoon broke when he threw it to the ground.
- At that point his mother called the police.
- When the police arrived he was laying on the couch calming down.
- [REDACTED] said three officers came in; after about 5-10 minutes, one officer asked if everyone was OK and then left.
- Officer Rush asked to speak with [REDACTED] privately; [REDACTED] went into an adjoining room.
- [REDACTED] said Officer Rush said to him, "First off, you're gonna pick this shit up"; [REDACTED] picked up the broken items.
- When he completed that task, Officer Rush told [REDACTED] to go into the other room and apologize to his mother, which he then did.
- Officer Rush asked [REDACTED] to accompany him outside the front door, which [REDACTED] did.

- [REDACTED] said he could not remember the exact words, but Officer Rush then said something similar to: We only have eight officers on the street and I don't have time to deal with this. If I have to come back I'll beat your ass and take you to jail.
- [REDACTED] then tells Officer Rush that he is going to do what he should.
- Officer Rush asks if there are going to be any more problems and Mitchell says no.

Interview with [REDACTED]:

- [REDACTED] said that she took away the computer card until [REDACTED] completed his outside chores.
- [REDACTED] started demanding that she return the computer card and started tossing drawers around.
- She called the Pavilion to get some guidance on how to handle the situation but no one answered; she then called the police.
- She has considered calling the police before as a "teaching moment" for [REDACTED]
- She had not been crying; her voice may have cracked because she was upset at the situation, but she was not crying.
- She estimated there was about 20 feet between where she was in the adjoining room and where Officer Rush was speaking with [REDACTED] in the living room.
- She did give Officer Rush permission to speak with [REDACTED] alone, both inside the house and outside.
- She described Officer Rush's demeanor as "matter-of-fact."
- Nothing gave her pause about Officer Rush's interaction with [REDACTED] until [REDACTED] came back inside the house and asked her if the police could really beat him up.

After obtaining the specifics about their interaction with officers that day, I spoke generally with [REDACTED] and [REDACTED] about the complaint process and my conversation with Officer Rush. I asked [REDACTED] if he was offended by the language Officer Rush used. He said he was not offended but struggled with why an officer said he would come back and beat him up. [REDACTED] said he had a few bad dreams about the police coming back to his house. [REDACTED] pointed out the similarity between "I'll beat your ass" and "it'll be your ass" and asked [REDACTED] if he might have misheard Officer Rush. [REDACTED] said it was possible, but he was pretty sure what he heard. [REDACTED] said that [REDACTED] has attended the Youth Police Academy in the past and struggled with the discrepancy between his experience with the police during that class and his experience in this incident. I explained to [REDACTED] and [REDACTED] that Officer Rush's intentions were to help the situation, not to offend anyone, or scare anyone. [REDACTED] did try to clarify with [REDACTED] by telling him that part of Officer Rush's intention was to "put the fear of God in you" so that it wouldn't continue to occur.

Interview Officer McAllister:

Directly after speaking with [REDACTED] and [REDACTED] I met with Officer McAllister. Officer McAllister told me the following:

- Officer McAllister did not hear Officer Rush ever say the word "shit" but was inside when [REDACTED] was instructed to pick up the broken items and apologize to his mother.
- Officer Rogers was only at the residence for a brief period of time.
- Officer McAllister was walking to his squad car to leave the call when Officer Rush was speaking with [REDACTED] outside; Officer McAllister did not hear any of that conversation.

Interview Officer Rogers:

I spoke with Officer Rogers who said he went to the address for the request for police assistance. Shortly after he arrived, he was told that things were under

control so he left. Officer Rogers did not hear any conversation between Officer Rush and [REDACTED]

Other investigative findings:

There were no other witnesses to the incident. I did check for any squad car video that might have had associated audio recordings. There were no recordings for any of the involved officers

COMPLAINT FINDING:

The specific complaints in [REDACTED] internet submission were:

1. The use of profane language when dealing with her son.
2. The threat of physical violence.

Complaint 1 – The use of profane Language.

NOT SUSTAINED. [REDACTED] claims that Officer Rush told him to "clean this shit up." Officer Rush does not remember if he did or did not say the word "shit" when speaking with [REDACTED]. None of the other people present [REDACTED], Officer McAllister, or Officer Rogers] heard Officer Rush say "shit" or were not an audience to his conversation with Mitchell. Therefore, there is no third-party witness supporting or refuting [REDACTED] claim.

Officer Rush was called by [REDACTED] to deal with her 17-year-old son who, according to the information she provided, "has behavioral issues" and "is tearing up the house." Moreover, she told METCAD that she hoped the police would come to her house and give her son "the talk." Officer Rush successfully accomplished three tasks that I believe were inherent in [REDACTED] request for police assistance: [1] [REDACTED] cleaned up the items that he had thrown and broken, [2] he apologized to his mother, and [3] he issued a stern warning to [REDACTED] that his behavior was inappropriate and would not be tolerated by his mother or the police. Officer Rush stated that he told [REDACTED] that if [REDACTED] could not curtail his destructive efforts and if the police had to again respond to his house because he was breaking things, that it would be [REDACTED] "ass". Officer Rush was speaking to a 17 year old young man, whose mother wanted him to receive "the talk", and who stated that he was not offended by Officer Rush's language. The word "ass" can be heard on the radio, the television, and PG-13 movies. It is rarely considered a profane word. It was used to accentuate Officer Rush's effort to convey to [REDACTED] that there would be serious consequences for his continued inappropriate behavior. The Rules of the Champaign Police Department regarding an officer's conduct states:

RULE 3: BEHAVIOR TOWARDS OTHERS

B. Courtesy.

1. Employees shall be courteous in their conduct and communication to citizens and other City employees. Employees shall be tactful in the performance of their duties, control their tempers, and exercise reasonable patience and discretion. In the performance of their duties, employees shall not use harsh, rude, overbearing, abusive, violent, profane, or indecent language or conduct; and shall not express any prejudice or insulting language concerning race, sex, religion, politics, national origin, lifestyle or similar personal characteristics.

Officer Rush's use of the word "ass" in speaking with [REDACTED] was not a rule violation in this situation because it was not harsh, rude, overbearing, abusive, violent, profane, or indecent.

Accordingly, my finding for this portion of [REDACTED] complaint is Not Sustained.

Complaint 2 – The threat of physical violence.

NOT SUSTAINED. [REDACTED] told his mother that Officer Rush told him, "If I have to come back, I'll beat your ass." Officer Rush stated he told [REDACTED] if he had to return, "It will be your ass." Just as [REDACTED] [REDACTED] Pointed out, these two statements sound almost identical and could be misheard. [REDACTED] stands by what he heard, but stated it is possible he misheard Officer Rush. There are no witnesses to determine what was actually said. This statement alone contains no specific physical threat. This statement conveys a general requirement of responsibility on [REDACTED] part and that there will be consequences if he doesn't stop. This statement is akin to telling someone that they're going to be in trouble but with added firmness for affect. There are no other indications of threatening behavior on the part of Officer Rush.

Accordingly, my finding for this portion of [REDACTED] complaint is Not Sustained.

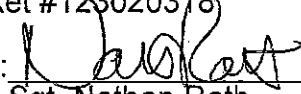
Attachments

Complaint Intake Form

Written Complaint/[REDACTED]

Dispatch Ticket #123020318

Submitted by:


Sgt. Nathan Rath

11-25-12
Date

CHAMPAIGN POLICE DEPARTMENT
CITIZEN'S COMPLAINT
INTAKE FORM

COMPLAINT # 12-16 Intent to File Date 10/28/12

DATE REPORTED 10/28/12 TIME 2118 HRS.

DATE of INCIDENT 10/28/12 TIME 1544 HRS.

LOCATION OF INCIDENT 411 W. WHITE

NAME [REDACTED] PHONE [REDACTED] SEX F

ADDRESS [REDACTED] RACE W DOB [REDACTED]

NAME [REDACTED] PHONE — SEX M

ADDRESS [REDACTED] RACE B DOB [REDACTED]

NAME _____ PHONE _____ SEX _____

ADDRESS _____ RACE _____ DOB _____

TYPE OF REPORT (CHECK ONE)

☐ O-FILE _____

☐ IVC _____

☐ ACCIDENT _____

☒ CALL FOR SERVICE TICKET
NUMBER 123020318

(ATTACHED)

☐ OTHER _____

PERSON TAKING REPORT/CALL: [Signature] #927

Detailed History for Police Event #123020318 As of 10/30/2012 09:00:58

Priority:2 Type:JUV - JUV PROBLE

Location: [REDACTED]

LocCross:btwn S GARFIELD AV and S DRAPER AV

Created:	10/28/2012 15:44:56	DIS3	6638
Entered:	10/28/2012 15:45:51	DIS3	6638
Dispatch:	10/28/2012 15:46:27	DIS8	6628
Enroute:	10/28/2012 15:46:27	DIS8	6628
Onscene:	10/28/2012 15:52:50	DIS8	6628
Control:	10/28/2012 15:56:06	DIS8	6628
Closed:	10/28/2012 16:02:58	DIS8	6628

PrimeUnit:7114 Dispo:NORPT Type:JUV - JUV PROBLE

Name:MOLLY BENTSEN Phone:217/359-0128 RPaddr:

Agency:CH DAREA:CH Beat:CHSW RD:54314C ☒ Detail

15:44:56 CREATE Location: [REDACTED] Type:JUV Phone:217/359-0128 Source:RES DAREA:CH RD/FD:54314C TypeDesc:JUV PROBLE LocCross:btwn S GARFIELD AV and S DRAPER AV Priority:3 Response:1PAT Agency:CH LocType:S

15:44:56 ALI E911Phne:217/359-0128 E911Add: [REDACTED] E911Subs: [REDACTED] E911Src:RES D

15:45:51 ENTRY Priority:3-->2 Response:1PAT-->2PD Comment:RP'S 17YO SON WHO HAS BEHAVIORAL ISSUES IS TEARING UP THE HOUSE.

15:45:52 -PREMIS Comment:(none)

15:46:06 SELECT

15:46:27 DISPER 7114 Badge:7114 OperNames:RUSH,MATT R

15:46:27 -PRIU 7114

15:46:42 CHANGE Comment:NOT VIOLENT WITH PEOPLE JUST UNHAPPY THAT THE MOTHER TOOK A CABLE FROM THE COMPUTER. RP IS UNABLE TO CALM HIM DOWN AND HOPING PD CAN GIVE HIM....THE TALK

15:46:45 BACKER 717 UnitID:7114 Badge:7717 OperNames:MCALLISTER,JOHN I

15:46:55 RI 7114

15:47:43 CLEAR 717

15:47:57 CHANGE Name:None--> [REDACTED] Comment:SON IS [REDACTED] L BENTSON 17YO BI-RACIAL MALE 604, 230, LSW/BLK POLO, JEANS. NOW WALKING TOWARD RP AND SHE BELIEVES THAT HE IS GOING TO UNPLUG THE TX. DOES NOT BELIEVE HE WILL BECOME VIOLENT WITH HER. NO WEAPONS.

15:48:27 BACKER 717 UnitID:7114 Badge:7717 OperNames:MCALLISTER,JOHN I

15:48:44 CHANGE Comment:SON IS BACK IN HIS BEDROOM, RP IS IN THE LIVING ROOM.

15:48:44 NOMORE

15:49:55 BACKER 7115 UnitID:7114 Badge:7115 OperNames:ROGERS,BRIAN

15:52:50 ONSCN 7114

15:53:05 ONSCN 717

15:56:03 ONSCN 7115

15:56:06 OK 7114 717 7115

15:58:15 *CLEAR 7115

16:02:58 CLEAR 7114 717 Dispo:NORPT Comment:PARENTING ADVICE GIVEN

16:02:58 -CLEAR

16:02:58 CLOSE



Swenson, Jon <jon.swenson@ci.champaign.il.us>

CPD Employee Conduct Feedback

1 message

To: jon.swenson@ci.champaign.il.us

Sun, Oct 28, 2012 at 9:18 PM

CPD Employee Conduct Feedback

Employee conduct feedback was received on the City website, containing the following information.

Personal Information

First Name: [REDACTED]

Last Name: [REDACTED]

Email: [REDACTED]

Demographic Information

Race: white

Date of Birth: [REDACTED]

Additional Contact Information

Address: [REDACTED]

City: Champaign

State: IL

Zip: 61821

Home Phone: [REDACTED]

Cel Phone: [REDACTED]

Work Phone:

Other:

Incident Information

Incident Date: 10/28/12

Incident Time: ~3:30 pm

Incident Location: [REDACTED]

Incident Location Name: [REDACTED]

Incident Description:

Having called the Pavilion, where my son is in day treatment for depression and anxiety, for advice and received no answer, I called 911 and requested that an officer come to speak with my son. He had in anger thrown breakables across the room and was ransacking a room looking for something I had made unavailable to him.

Three officers arrived; one, who did not provide a name, asked for an explanation of what had happened, then asked to speak to my son alone. I prefaced my explanation by noting that my son has Asperger's syndrome (a

*10/29 @ 1500 - LEFT MSG. FOR MS. BENSTEN
ON HOME # VOICEMAIL. CONFIRMED RECEIPT
OF COMPLAINT, TOLD HER THAT COMPLAINT
WOULD BE INVESTIGATED, + ADVISED THAT I
WOULD BE SENDING ADDITIONAL INFORMATION
TO HER RE: MAIL.*

form of high-functioning autism), which I had not thought to tell the 911 dispatcher. After about 1 minute I could hear the breakables being cleaned up, and after they were disposed of my son came and apologized to me. The officer then told me that he would speak to my son briefly outside and would then be done.

After the officers left, my son asked, "Is what he said true? Can the police really beat someone up?" Apparently the officer had concluded their interaction with the threat that "if I have to come back here, I'm going to beat your ass and haul you off to jail." He had also begun their interaction by saying that "The first thing you're going to do is clean this shit up."

I find the use of profanity distasteful, though perhaps it is standard law enforcement vocabulary for interacting with the public. However, I find the threatening of physical violence not just distasteful but inflammatory and completely inappropriate, particularly when the call for assistance indicated that the juvenile involved had mental health issues. My son was cooperative and contrite from early in the interaction, and a straightforward presentation of the facts—"If I am called back to your house, you will be taken to jail," for example—would have been quite sufficient.

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Employee Information

Employee 1 Badge: not provided

Employee 1 Name: not provided

Employee 2 Badge: not provided

Employee 2 Name: not provided

Additional Employee Information:

Officer was male, white, 5'10" or taller, closed-cropped hair or shaved head (I wasn't expecting to have to describe him so wasn't attending closely), no glasses.

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Witness Information

My 17-year-old son was the primary recipient of communication, including the threat of physical violence, that I believe was at minimum inappropriate and in extremely poor judgment. I was asked to be out of the room during the entirety of the officer's statements to my son; there were no other witnesses unless one of the other two officers was near enough to hear.

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Documentation Description

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Verification of complaint

I hereby certify that the information in this complaint is true and correct, to the best of my knowledge and belief